



October 28, 2005

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street NW, Room 711
Washington, DC 20423-0001

Via Overnight Mail

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Office of Proceedings

OCT 31 2005

Part of
Public Record

RE: Chicago, Central & Pacific Railroad Company Abandonment Exemption
In Linn County, Iowa
Docket AB-314 (Sub-No. 3X)

Dear Mr. Williams:

This comment should be treated as a protest or petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of the City of Cedar Rapids, Iowa which is a government agency interested in transportation and/or natural resources, which is hereinafter referred to as "Commenter".

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between milepost 87.74 at 16th Street NE to milepost 88.53 near 20th Street NE at the end of the track, in Cedar Rapids, Linn County, Iowa.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing the corridor, other than the tracks, ties and signal equipment, except of public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use is in accordance with local plans. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had an opportunity to assemble or to review title information or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period request is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under section 8(d) of the National Trails System Act, 16 U.S. C §1247(d), and 49 C.F.R. §1152.29, the City of Cedar Rapids, Iowa is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune for liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Chicago and Pacific Railroad Company and operated by the Chicago and Pacific Railroad Company.

The property known as the Chicago Central and Pacific Railroad extends from railroad milepost 87.74 at 16th Street NE to milepost 88.53 near 20th Street NE at the end of the track, in Cedar Rapids, Linn County, Iowa. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-314 (Sub-No. 3X).

A map depicting the right-of-way is attached.

The City of Cedar Rapids acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Chicago Central and Pacific Railroad Company, Mr. Thomas J. Litwiler, Fletcher & Sippel LLC, 29 North Wacker Drive, Ste 920, Chicago, Illinois 60606-2832, by overnight mail, this 28th day of October, 2005.

Sincerely,

THE CITY OF CEDAR RAPIDS ENGINEERING DEPARTMENT



David J. Elgin, P.E., L.S.
City Engineer

DJE/krs

cc: Robert A. Davis, P.E., City Engineering Manager
Rita Rasmussen, SR/WA, Property Acquisition Supervisor
Mike Dufoe, E.I. Civil Engineer



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